

AMENDED IN ASSEMBLY AUGUST 23, 2006

AMENDED IN ASSEMBLY JUNE 8, 2006

AMENDED IN SENATE MARCH 29, 2006

SENATE BILL

No. 1500

Introduced by Senator Speier

February 23, 2006

An act to add Article 4 (commencing with Section 11773) to Chapter 1 of Division 10.5 of the Health and Safety Code, relating to alcohol and drug programs, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1500, as amended, Speier. Drug programs.

Existing law requires the Department of Alcohol and Drug Programs to administer certain programs and studies related to alcohol and drug abuse recovery and to license, certify, and regulate alcoholism or drug abuse recovery or treatment facilities.

This bill would require the department to develop and implement a statewide campaign designed to deter initial and continued use of methamphetamine in California, and would authorize the department to accept voluntary contributions, in cash or in-kind, for purposes of this bill. The bill would require that the department ~~only~~ develop and implement the campaign established under the bill *only* if the Director of Finance determines that sufficient private donations, as defined to be at least \$_____ \$12,000,000, have been collected and deposited into the California Methamphetamine Abuse Prevention Account, which the bill would create in the State Treasury, *and would appropriate money from the account to the department for the 2006–07 fiscal year for the purposes of this bill.*

This bill would authorize the department to develop and implement a limited campaign to deter the abuse of methamphetamine for the 2006–07 fiscal year if the Director of Finance determines that at least \$500,000 of private donations have been collected and deposited into the account.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares the
2 following:

3 (1) Methamphetamine is California’s primary drug problem,
4 affecting public health and safety, child welfare, and the
5 environment.

6 (2) It is estimated that at least 338,000 Californians age 12 or
7 older use methamphetamine. Patients admitted to publicly funded
8 addiction treatment centers identify methamphetamine as their
9 drug of choice more often than any other substance, including
10 alcohol.

11 (3) Long-term frequent use of methamphetamine leads to
12 addiction, violent behavior, psychosis, memory loss,
13 hallucination, irreversible stroke-producing brain damage,
14 increased blood pressure, and death from overdose.

15 (4) Methamphetamine use has been linked to the transmission
16 of the human immunodeficiency virus (HIV), and some studies
17 suggest that methamphetamine abuse may affect HIV disease
18 progression.

19 (5) Methamphetamine abuse is unique in that it affects women
20 and men at nearly equal rates.

21 (6) In at least seven counties in California, methamphetamine
22 use is related to over 60 percent of cases referred to child
23 protective services.

24 (7) Methamphetamine trafficking is related to a growing level
25 of gang violence.

26 (8) Illegal methamphetamine labs in California have more
27 output capacity than laboratories in any other state. Five to seven
28 pounds of toxic waste are produced with every pound of
29 methamphetamine, polluting homes, agricultural land, and urban
30 neighborhoods.

(b) It is therefore the intent of the Legislature to enact legislation that would require the Department of Alcohol and Drug Programs to develop and implement a statewide public information campaign designed to prevent the abuse of methamphetamine in California.

SEC. 2. Article 4 (commencing with Section 11773) is added to Chapter 1 of Division 10.5 of the Health and Safety Code, to read:

Article 4. Methamphetamine Deterrence Program

11773. (a) Subject to Section 11773.1, the department shall develop and implement a statewide prevention campaign designed to deter the abuse of methamphetamine in California.

(b) (1) The department may design the campaign to deter initial and continued use of methamphetamine.

(2) The department may also design the campaign to target communities or populations that use methamphetamine at a greater rate than the general population, communities or populations in which the transmission and contraction of HIV and AIDS, hepatitis C, and other diseases is significantly related to methamphetamine use, communities or populations in which the use of methamphetamine is likely to have a negative effect on children, communities or populations at risk due to the environmental damage caused by the methamphetamine production, and any other community or population that is at a high risk of methamphetamine use or addiction.

(3) In determining the intended audience of the campaign, the department shall give priority to communities or populations in which the use of methamphetamine is most likely to be deterred by the campaign. In determining which communities or populations to include in the audience of the campaign, the department shall rely on evidence from published reports, the experience of other drug abuse prevention programs, and other relevant sources.

(c) (1) The department shall, in the implementation of the program, use a variety of media to convey its messages to its intended audiences. This media may include, but need not be limited to, television, radio, billboards, print media, and the Internet.

1 (2) The department may use a variety of marketing and
2 community outreach programs to convey its message, including,
3 but not limited to, programs at schools, fairs, conventions, and
4 other venues.

5 (3) The department shall conduct and base the development of
6 its messages on market research, including, but not limited to,
7 opinion polling and focus groups, to determine which messages
8 would be most effective in deterring methamphetamine use
9 within particular communities or populations.

10 (d) The department may incorporate information regarding
11 drug addiction treatment programs into messages meant for
12 individuals who are addicted to methamphetamine.

13 (e) In implementing the campaign, the department shall work
14 with public and private organizations to extend its message to a
15 wide range of venues and media outlets.

16 (f) The department may contract with private or public
17 organizations for the development and implementation of the
18 campaign.

19 (g) The department shall conduct research to measure the
20 effect of the prevention campaign and shall annually report its
21 findings to the chairpersons of the appropriate Senate and
22 Assembly Health committees.

23 11773.1. (a) The department may accept voluntary
24 contributions, in cash or in-kind, to pay for the costs ~~in the~~
25 ~~implementation of~~ *of implementing* the program under this
26 article. *Voluntary contributions shall be deposited into the*
27 *California Methamphetamine Abuse Prevention Account, which*
28 *is hereby created in the State Treasury. Only private moneys,*
29 *donated for the purposes of this article, may be deposited into the*
30 *account. Moneys in the account are hereby appropriated to the*
31 *department for the purposes of this article for the 2006–07 fiscal*
32 *year. The Legislature may appropriate moneys in the account for*
33 *subsequent fiscal years in the annual Budget Act or any other*
34 *act.*

35 (b) ~~The~~ *Notwithstanding subdivision (a), during the 2006–07*
36 *fiscal year, the department shall ~~only~~ develop and implement the*
37 *campaign established under this article only upon a determination*
38 *by the Director of Finance that sufficient private donations have*
39 *been collected and deposited into the California*
40 *Methamphetamine Abuse Prevention Account, ~~which is hereby~~*

1 ~~created in the State Treasury.~~ If sufficient funds are collected and
2 deposited, the Director of Finance shall file a written notice
3 thereof with the Secretary of State

4 (c) ~~For~~ *Except as provided in subdivision (b) of Section*
5 *11773.2, for purposes of this article, “sufficient private*
6 *donations” means funds in the amount of at least _____ dollars*
7 *(~~\$_____~~) twelve million dollars (\$12,000,000).*

8 *11773.2. (a) Notwithstanding Section 11773.1, during the*
9 *2006–07 fiscal year, the department may develop and implement*
10 *a limited campaign to deter the abuse of methamphetamine by*
11 *limiting the intended audience of the campaign in accordance*
12 *with paragraphs (2) and (3) of subdivision (b) of Section 11773,*
13 *only upon a determination by the Director of Finance that*
14 *sufficient private donations have been collected and deposited*
15 *into the California Methamphetamine Abuse Prevention Account.*
16 *If sufficient funds are collected and deposited in the account, the*
17 *Director of Finance shall file a written notice thereof with the*
18 *Secretary of State.*

19 (b) *For purposes of this section, “sufficient private donations”*
20 *means funds in the amount of at least five hundred thousand*
21 *dollars (\$500,000). Nothing in this section shall be construed to*
22 *require the department to implement a campaign where the cost*
23 *of the campaign would exceed the private donations available for*
24 *the campaign in the California Methamphetamine Abuse*
25 *Prevention Account.*

26 *11773.3. Any funds that are not expended or encumbered for*
27 *purposes of this article 730 days after being deposited into the*
28 *California Methamphetamine Abuse Prevention Account shall be*
29 *returned to the private donor.*